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Sameer P S vs State of Kerala

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Court : Kerala

Decided On : Sep-30-2021

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : WP(C)/20594/2021

Appellant : Sameer P S

Respondent : State of Kerala

Judgement :

WP(C) NO. 20594 OF 2021 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V THURSDAY, THE 30TH DAY OF SEPTEMBER 2021 / 8TH ASWINA, 1943 WP(C) NO. 20594 OF 2021 PETITIONER/S: SAMEER P S AGED 45 YEARS S/O. N. SOMAN, MARUTHI BHAVAN, PLAVODE, PULIMATHU P. O., TRIVANDRUM, PIN - 695612. (L.G. SANSKRIT TEACHER, D. B.H.S. VAMANAPURAM). BY ADVS. ALEXANDER JOSEPH AKHILASREE BHASKARAN RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION,

GOVERNMENT SECRETARIAT,

2 THE DIRECTOR GENERAL OF EDUCATION, THIRUVANANTHAPURAM - 695 014. 3 THE SECRETARY TRAVANCORE DEVASWOM BOARD, NANTHANCODE, 4 THE HEAD MASTER D.B.H.S. VAMANAPURAM, THIRUVANANTHAPURAM - 695 606. SMT NISHA BOSE, SR GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.09.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 20594 OF 2021 2

JUDGMENT

The petitioner states that overlooking the application filed by the petitioner herein for transfer to DBHS Paripally, a junior in the seniority list was transferred. In the said circumstances, he is stated to have filed Exhibit- P2 application before the 3rd respondent. The said application was rejected by Exhibit-P4 order pursuant to directions issued by this Court. Being aggrieved by Exhibit-P4 order, the petitioner is stated to have preferred Exhibit-P5 appeal before the 2nd respondent, which is stated to be pending. It is in the afore circumstances that the petitioner is before this Court seeking directions.

2. Sri. Alexander Joseph, the learned counsel appearing for the

petitioner, submits that the limited request of the petitioner is for issuance of direction to the 2nd respondent to consider and pass expeditious orders on Exhibit-P5 appeal.

3. I have heard Smt.Nisha Bose, the learned Senior Government Pleader and Sri.G.Biju, the learned Standing Counsel, appearing for respondents 3 and 4. WP(C) NO. 20594 OF 2021 3

4. After having carefully evaluated the contentions raised in this

writ petition, the submissions made across the Bar and the facts and circumstances, I am of the view that this writ petition can be disposed of by issuing

the following directions:

a) There will be a direction to the 2nd respondent to take up, consider and pass appropriate orders on Exhibit-P5 appeal, as per procedure and in strict adherence to the provisions of law, after affording an opportunity of being heard, either physically or virtually, to the petitioner herein or his authorised representative and the party respondents.

b) Orders shall be passed expeditiously, in any event, within a period of two months from the date of receipt of a copy of this judgment. c) It would be open to the petitioner to produce a copy of the writ petition along with the judgment before the concerned respondent for further action.

The writ petition is disposed of. Sd/- RAJA VIJAYARAGHAVAN V JUDGE DSV WP(C) NO. 20594 OF 2021 4 APPENDIX OF WP(C) 20594/2021 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE SENIORITY LIST DATED 01.01.2020 OF LOWER GRADE SANSKRIT TEACHER UNDER 3RD RESPONDENT. Exhibit P2 TRUE COPY OF THE APPLICATION DATED 09.06.2020 TO THE 3RD RESPONDENT. Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 15.06.2020 IN WP(C) NO.11707/2020 OF THE HON'BLE HIGH COURT OF KERALA. Exhibit P4 TRUE COPY OF THE ORDER ROC NO.12/20/EDN. DATED 03009.2020 OF THE 3RD RESPONDENT. Exhibit P5 TRUE COPY OF THE APPEAL DATED 22.09.2020 (WITHOUT ANNEXURES) BEFORE THE 2ND RESPONDENT. Exhibit P6 TRUE COPY OF THE POSTAL ACKNOWLEDGEMENT CARD ACKNOWLEDGING RECEIPT OF EXHIBIT P5 BY THE OFFICE OF THE 2ND RESPONDENT. RESPONDENTS EXHIBITS:NIL

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